

ORDINANCE 2010-07

(Amendments to Chapter 23 – Zoning Regulations – Nonconforming signs; fee changes)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS; TO ADJUST REVIEW FEES FOR ALCOHOLIC BEVERAGE LICENSES AND SIGNS NOT REQUIRING A BUILDING PERMIT; TO ADJUST TREE REPLACEMENT FEE; TO CORRECT PROVISIONS ON RECREATION AREA CREDITS; TO AMEND COMPLIANCE REQUIREMENTS FOR NONCONFORMING SIGNS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1: Review Fee – Alcoholic beverage license

On Table 23-242 “Land Use Applications – Required Fees,” 23-212 Verification of Zoning Compliance, subsec. b) Alcoholic beverage license is amended to read as follows:

(Type of Application)	(Review Fee)	(Reimbursement)
b) Alcoholic beverage license	\$220.00	None
<u>Package sales except grocery stores</u>	<u>\$100.00</u>	<u>None</u>
<u>Bars, wine and beer</u>	<u>100.00</u>	<u>None</u>
<u>Restaurants, grocery stores</u>	<u>50.00</u>	<u>None</u>
<u>Change of name, renewal</u>	<u>30.00</u>	<u>None</u>

SECTION 2: Review Fee – Signs

On Table 23-242 “Land Use Applications – Required Fees,” after 23.372.3.a. and before “Other fees,” the following is added:

(Type of Application)	(Review Fee)	(Reimbursement)
<u>23.545 and 23.526</u> <u>Signs not requiring a building permit</u>	<u>\$32</u>	<u>None</u>

SECTION 3: Tree Replacement Fee

On Table 23-242 “Land Use Applications – Required Fees,” the line “23-302 Tree Replacement Fund” is amended as follows:

(Type of Application)	(Review Fee)	(Reimbursement)
23-302 Tree Replacement Fund	\$115.50 <u>\$75/per caliper inch</u>	

SECTION 4: Recreation area requirements

Sec. 23-443.1 Residential PDPs, Minimum design standards, sec. c.
Recreation area is amended as follows:

c. *Recreation area.* At minimum, recreation area shall be provided as required under section 23-310.

1. Compensatory recreation area - In residential PDPs where reductions in minimum lot size are granted, recreation area in addition to that required under section 23-310 shall be required to offset the reductions by provision of recreation area in a ratio of one to one (total lot size reduction in the development to recreation area added). For the purpose of calculating required additional recreation area, the lot area reduction shall be based upon the minimum lot size required in the applicable zoning district, except that in the R-1A district, the calculation shall be based upon a nine thousand (9,000) square-foot lot area, as in R-1B.
2. Dry retention area credit – The square footage of a dry retention area may be credited toward compensatory recreation area provided the retention area is usable and accessible per the following criteria:
 - 1 A. Each area has a minimum of 50 feet of street frontage or is adjacent to a park meeting the standards of section 23-310.
 - 2 B. An access corridor is provided with a minimum width of 25 feet and a slope of no more than 7 to 1.
 - 3 C. The retention area is fully landscaped to meet the standards of section 23-310 for recreation areas.
 - 4 D. Any portions of the retention area that are behind dwelling units or the back yards of dwelling units shall not be credited unless they are a minimum of 100 feet in width, measured perpendicular to the rear lot line.
 - 5 E. No credit shall be granted for retention areas within easements on lots intended for the construction of dwelling units.

SECTION 5: Abandoned signs

Sec. 23-545.8 *Maintenance of signs* is amended as follows:

Sec. 23-545.8 *Maintenance of signs.*

- a. *Condition.* All signs must be legible, well painted, in good repair, properly maintained and ~~sturdy~~ sturdy.
- b. *Abandoned signs.* A sign shall be determined to be abandoned if the business or other use it served has been discontinued for a period of six (6) ~~months~~ months and the city shall notify the owner of the determination by certified mail. ~~If the owner fails to remove the sign within thirty (30) days of the notice, the city may remove it pursuant to section 23-545.10. The administrative official may extend the time limit for removing the sign if the owner demonstrates progress in renovating the property or reopening the business. If the sign is in disrepair, maintenance may be required as a condition of the extension of time.~~ In making a determination as to abandonment, the enforcing official may consider, among other factors, the existence or absence of a current local business tax receipt, utilities service deposit at that location, use of the premises and relocation of a business.

Upon determining that a sign is abandoned, the administrative official shall notify the owner by certified mail that corrective action is required within 30 days. The notice shall require the removal of the sign, except that, in lieu of removal, a sign found to be in sturdy condition by the

building official may be covered with a fitted cloth or plastic sleeve designed for such purpose or may have a blank sign face installed, subject to a temporary sign permit. Repairs to the sign to restore it to a safe condition may be required as a condition of the temporary permit. Nothing in this section shall exempt a non-conforming sign from the provisions of this chapter for non-conforming signs.

SECTION 6: Non-conforming signs

Sec. 23-545.9 Nonconforming signs is amended as follows:

Sec. 23-545.9 Nonconforming signs.

Nonconforming signs are signs that do not meet current requirements of this chapter. Those signs that were in accordance with the sign regulations at the time they were placed are considered “legally” nonconforming signs and may remain in place subject to the provisions of this section. Nonconforming signs that are not “legally” nonconforming shall be removed immediately.

- a. *Maintenance.* Nonconforming signs shall maintain the same appearance and safe conditions as required by this chapter and by the city's building code for conforming signs.
- b. Alterations and modifications to a legally nonconforming sign shall be permitted providing that the degree of nonconformity is not increased ~~or the sign area is not increased.~~ and provided the change does not exceed fifty (50) percent of what it would cost the owner to alter or replace the sign to conform with this chapter.
- c. If a nonconforming sign becomes damaged from any cause and the cost to repair exceeds ~~twenty-five (25)~~ fifty (50) percent of what it would cost the owner to conform with this chapter, the sign will lose its privilege to remain nonconforming, and it shall be removed or made to conform within ninety (90) days.
- d. ~~A change in the name of business or a change in the nature or character of the business shall cause a nonconforming sign to lose its privilege to remain nonconforming, and it shall be removed or made to conform within ninety (90) days.~~
- e. ~~All nonconforming signs must be removed, changed or altered to conform to the provisions of this section in accordance with the following schedule:~~
 1. ~~Portable signs representing no removal cost and signs which have been placed on public property without permit shall be removed or made to conform upon the effective date of this chapter.~~
 2. ~~Nonconforming on-premises signs shall be removed or made to conform no later than five (5) years after the effective date of this chapter.~~
 - d. 3. All legally nonconforming signs existing located on property at the time of its annexation annexed into the city limits after the effective date of this chapter, which were ~~lawfully installed in the first instance,~~ must be removed, changed, or altered to conform to the provisions of this chapter within five (5) years after the effective date of the ordinance annexing the property into the city limits.
4. ~~Extensions of time for removal of nonconforming signs may be granted by the board of appeals. In considering extensions, the board shall balance the public gain against the private loss. In striking this balance, the board may consider relevant factors including original cost, date of installation, degree to which the sign is incompatible, remaining useful life, extent to which the sign has been depreciated for tax purposes, amount of unrecoverable cost involved, beneficial effect on the community of the eventual elimination of all nonconforming signs.~~

SECTION 7:

Sign code enforcement

Sec. 23-545.10 Enforcement is amended as follows:

- a. The administrative official and code enforcement officers shall be the enforcing officials.
- b. An enforcing official is authorized and directed to lawfully enter all premises at reasonable times to determine whether a sign complies with the provisions of this chapter.
- c. If a violation exists, the enforcing official shall send written notice to the occupant and owner shown on the most recent tax roll and to the holder of the certificate of occupancy, if different from both the occupant or owner.
- d. Service of the notice shall be deemed complete if mailed to the owner at the address appearing on the most recent tax roll.
- e. If violation is not corrected within a reasonable time as specified in the notice, the enforcing official is authorized to remove the sign at the owner's expense, to utilize the code enforcement procedures and penalty provisions of Chapter 12 of the Lake Wales Code of Ordinances ~~and to revoke the certificate of occupancy for the premises.~~

SECTION 8. If any clause, section or provision of this ordinance or any fee imposed pursuant to this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance or remaining fees shall be in full force and effect and be valid as if such valid portion thereof had not been incorporated herein.

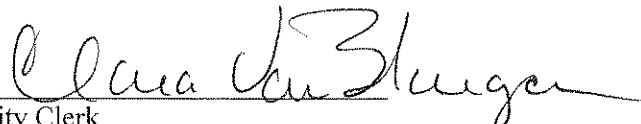
SECTION 9. This ordinance shall become effective immediately upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 20th day of April, 2010.



Mayor/Commissioner
City of Lake Wales Florida

ATTEST:



City Clerk